

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
NORTHERN DIVISION**

POINT BLANK BODY ARMOR, INC. *

Plaintiff *

v. *

ALLEN PRICE, * Civil Action No. MJG 01 CV 3256
JOSEPH KRUMMEL, and
JAMES MURRAY *

Defendants. *

* * * * *

MOTION FOR JUDGMENT BY DEFAULT

Allen L. Price, Joseph E. Krummel, and James W. Murray, Counterclaimants, by their undersigned attorneys and pursuant to F.R.Civ.P. Rule 55(b)(2), hereby move for Judgment by Default in their favor and against Counterclaim Defendant Point Blank Body Armor, Inc. ("Point Blank"), and in connection therewith state as follows:

1. The Amended Counterclaim was deemed filed as of February 19, 2003.
2. Counterclaim Defendant, Point Blank failed to file an answer or other responsive pleading within the time allowed by rule.
3. Default was signed by the clerk on April 24, 2003 and entered in the civil docket on April 25, 2003.
4. Counterclaim Defendant corporation is not a natural person, and, therefore, is incapable of being in military service or either being an infant or incompetent.
5. Counterclaimants' damages are established by the Affidavits of Allen Price, Joseph Krummel, James Murray, Scott Bauermaster, and Robert S. Brennen, which are

attached hereto as Exhibits A, B, C, D, and E, respectively and incorporated herein by reference.

WHEREFORE, Counterclaimants respectfully request that the Court Order as follows:

A. Entering a judgment against Counterclaim Defendant, Point Blank, and in favor of Counterclaimant, Allen L. Price, (1) on Count I of the Amended Counterclaim in the amount of One Hundred Seventy-Seven Thousand Nine Hundred and Eighty-Eight Dollars and Sixty-One Cents (\$177,988.61), plus pre and post judgment interest; (2) on Count II of the Amended Counterclaim in the amount of One Hundred Seventy-Seven Thousand Nine Hundred and Eighty-Eight Dollars and Sixty-One Cents (\$177,988.61), plus pre and post judgment interest; and (3) on Count III of the Amended Counterclaim in the amount of Five Hundred Thirty-Three Thousand Nine Hundred and Sixty-Five Dollars and Sixty-One Cents (\$533,965.83), plus pre and post judgment interest; and

B. Entering a judgment against Counterclaim Defendant, Point Blank, and in favor of Counterclaimant, Joseph E. Krummel, (1) on Count IV of the Amended Counterclaim in the amount of Ninety-Nine Thousand and Thirty Dollars (\$99,030), plus pre and post judgment interest; (2) on Count V of the Amended Counterclaim in the amount of Ninety-Nine Thousand and Thirty Dollars (\$99,030), plus pre and post judgment interest; and (3) on Count VI of the Amended Counterclaim in the amount of Two Hundred Ninety-Seven Thousand and Ninety Dollars (\$297,090), plus pre and post judgment interest; and

C. Entering a judgment against Counterclaim Defendant, Point Blank, and in favor of Counterclaimant, James W. Murray, (1) on Count VII of the Amended

Counterclaim in the amount of Forty-Seven Thousand One Hundred and Ten Dollars (\$47,110), plus pre and post judgment interest; (2) on Count VIII of the Amended Counterclaim in the amount of Forty-Seven Thousand One Hundred and Ten Dollars (\$47,110), plus pre and post judgment interest; and (3) on Count IX of the Amended Counterclaim in the amount of One Hundred Forty-One Thousand Three Hundred and Thirty Dollars (\$141,330), plus pre and post judgment interest; and

D. Entering a judgment against Counterclaim Defendant, Point Blank, and in favor of Counterclaimants, Allen L. Price, Joseph E. Krummel, and James W. Murray, for attorneys' fees in the amount of One Hundred Eight-Six Thousand Five Hundred Thirty-Six Dollars and Sixty-Eight Cents (\$186,536.68); and

E. Entering a judgment against Counterclaim Defendant, Point Blank, and in favor of Counterclaimants, Allen L. Price, Joseph E. Krummel, and James W. Murray, awarding Counterclaimants' costs and such further and additional relief as this Court may deem just and proper.

Respectfully submitted,

Dated: May 9, 2003

/s/

Robert S. Brennen, Esquire #04499
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